

REMARKS

The above-identified application is United States application serial number 09/737,435 filed on December 11, 2000. Claims 41-53 are allowed. Claims 2-5, 11-14, 18, 20-27, 31-42, and 52-58 are withdrawn from consideration. Claims 1, 6-10, 15-17, and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Guedalia *et al.* (US 2001/0043684) (hereafter Guedalia). Reconsideration of these rejections is requested.

Priority Date

Applicant notes that the present application was filed on December 11, 2000, which pre-dates the filing date of Guedalia on March 2, 2001. Guedalia relies on two provisional applications for priority dates of May 25, 2000 and April 5, 2000, which pre-date the present application. In the event the claims are not considered allowable after considering this response, Applicant would appreciate receiving copies of the relevant portions of the provisional applications to determine whether the portions of Guedalia relied on to reject the claims in the present case were present in the provisional applications.

Rejection of Claims Under 35 U.S.C. §102

Claim 1 sets forth "returning to using the data connection to receive the descriptions of audio content in response to completion of the voice call." Guedalia does not teach or suggest "returning to using the data connection to receive the descriptions of audio content in response to completion of the voice call." Guedalia Paragraph [0158] teaches sending a marked portion of content to an email address for later retrieval. Sending and retrieving email does not teach or suggest returning to using the data connection to receive the descriptions of audio content in response to completion of the voice call. Claim 1 is distinguishable from Guedalia for at least these reasons.

Claims 2-27 depend from Claim 1 and include features that further distinguish them from the prior art. Claims 2-5, 11-14, 18, 20-27 are currently withdrawn, however, Applicant requests that Claims 2-5, 11-14, 18, 20-27 be reinstated in the event Claim 1 is considered allowable.

Independent Claim 28 includes "returning to using the data connection to receive at least one of the group of: the description of the audio content and a description of another audio content. in response to completion of the voice call". Claim 28 is distinguishable from Guedalia for reasons similar to those discussed above for Claim 1.

Claims 29 and 30 depend from Claim 28 and include features that further distinguish them from the prior art. Allowance of Claims 1-18 and 20-30 is respectfully requested.

CONCLUSION

Claims 43-51 are allowed. Applicant believes Claims 1-18 and 20-30 are in form for allowance and a notice to that effect is solicited. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Central Number at (703) 872-2306 on the date shown below

(Signature)

Mary Jo Bertani
(Printed Name of Person Signing Certificate)

December 7, 2004
(Date)

Respectfully submitted,

Mary Jo Bertani
Attorney for Applicant(s)
Reg. No. 42,321

KOESTNER BERTANI LLP
18661 MACARTHUR BLVD.
SUITE 400
IRVINE, CA 92612
TEL (949) 251-0250
FAX (949) 251-0260